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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JEANNE LLERA and JORGE L. GOMEZ,  
as the appointed co-special administrators of  
the estate of JORGE A. GOMEZ; JEANNE  
LLERA and JORGE L. GOMEZ,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; RYAN FRYMAN; DAN  
EMERTON; VERNON FERGUSON;  
ANDREW LOCHER and DOS 1-10,  
inclusive,

Defendants.

Case Number:

2:20-cv-01589-RFB-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY (FIRST  
REQUEST)**

Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of record, Eric Valenzuela, Esq., of Law Offices of Dale K. Galipo, and Defendants, by and through their attorney of record, Craig R. Anderson, Esq., of Marquis Aurbach, hereby stipulate and request that this Court extend discovery deadlines in the above-captioned matter ninety (90) days, up to and including October 28, 2021. In support of this stipulation and request, the parties state as follows:

**I. PROCEDURAL HISTORY**

1. On August 29, 2020, the Plaintiffs filed their Complaint. ECF No. 1.
2. On October 1, 2020, the LVMPD Defendants filed their Answer to Plaintiffs' Complaint. ECF No. 11.

1           3.       On November 20, 2020, this Court entered the Discovery Plan and  
2 Scheduling Order. ECF No. 14.

3           4.       At the end of December 2020, LVMPD completed its internal investigation  
4 into the subject incident and released its internal documents to defense counsel.

5 **II.     DISCOVERY COMPLETED TO DATE**

6           1.       The parties participated in the FRCP 26 conference on November 13, 2020.

7           2.       The parties agreed to stipulate to extend the time to serve Rule 26 disclosures  
8 until after LVMPD had completed its internal criminal investigation into the subject event  
9 and released its internal documents to defense counsel.

10          3.       On November 20, 2020, the Court entered the Discovery Plan and Scheduling  
11 Order. ECF No. 14.

12          4.       On January 5, 2021, the Plaintiffs served their Initial Disclosures of  
13 Witnesses and Documents pursuant to FRCP 26.

14          5.       On January 5, 2021, the LVMPD Defendants served their Initial Disclosures  
15 of Witnesses and Documents pursuant to FRCP 26.

16          6.       On January 5, 2021, the LVMPD Defendants served written discovery on all  
17 named Plaintiffs.

18          7.       On January 6, 2021, the Plaintiffs served requests for production of  
19 documents on Defendant LVMPD.

20          8.       In late December 2020 and early January 2021, the parties began attempting  
21 to set necessary depositions.

22 **III.   WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

23           This case involves the June 1, 2020, fatal officer involved shooting of Jorge A.  
24 Gomez, Jr. The Plaintiffs filed their Complaint less-than two months after the subject  
25 incident. At the time of the Plaintiffs' filing, the LVMPD Defendants had not yet completed  
26 their internal review. Generally, all LVMPD officer involved shooting investigations  
27 undergo a two-step process. First, the shooting is investigated by LVMPD's Force  
28 Investigation Team ("FIT"). The FIT team determines whether probable cause exists as to

whether the involved officers committed any criminal acts and submit its findings to the Clark County District Attorney. The District Attorney then determines whether any criminal charges should be brought against any of the involved officers. The FIT investigations often take several months to complete. In this case, the FIT investigation did not conclude until late-December 2020. Due to the fact that any criminal proceedings would take precedent over any civil proceedings, LVMPD's defense counsel did not receive the case file until it was determined that criminal charges would not be brought. Defense counsel and plaintiffs' counsel communicated regularly about the status and LVMPD provided the documents within days of their receipt. On January 5, 2021, the LVMPD Defendants disclosed over 3,989 pages of documents. Now that these tangible items have been produced by the LVMPD Defendants, the parties can begin reviewing the same and conducting meaningful discovery.

Additionally, hours of body worn camera recordings, video surveillance recordings, and audio recordings will need to be produced to Plaintiffs' counsel when defense counsel receives from Defendant LVMPD.

Because the documents relevant to this litigation were just obtained by both counsel, and because additional relevant documents such as hours of body worn camera recordings, video surveillance recordings, and audio recordings have not yet been produced, it will be extremely difficult, if not impossible, to meet the current January 29, 2021 expert deadline and the March 30, 2021 discovery deadline.

#### **IV. REMAINING DISCOVERY**

1. The Plaintiffs need to take the depositions of the defendant officers.
2. The LVMPD Defendants need to take the depositions of the Plaintiffs.
3. Both parties intend to take the depositions of several percipient witnesses.
4. Both parties need to respond to the other parties' written discovery.
5. Both parties need to disclose their expert witness reports.
6. After the disclosure of expert witness reports, both parties intend to take the depositions of the expert witnesses.

V. **EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4. The parties are submitting this request twenty-one (21) days before the expert deadline disclosure. Therefore, the parties respectfully request that the modification of a scheduling order be granted. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Expert Disclosures Pursuant to FRCP 26(a)(2)	January 29, 2021	April 29, 2021
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	February 28, 2021	May 28, 2021
Dispositive Motion	April 29, 2021	July 29, 2021
Discovery Cut-Off	March 30, 2021	June 30, 2021
Joint Pre-Trial Order	May 29, 2021	August 28, 2021 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order)

This request for extensions of time is not sought for any improper purpose or for purposes of delay. Because the Complaint was filed so close to the date of the event, LVMPD had not completed its internal investigation and the parties were not privy to the documents necessary to properly discover this case. All documents have now been received and disclosed except for the hours of body worn camera recordings, video surveillance recordings, and audio recordings. Despite not having the necessary documents, the parties have still worked diligently at beginning discovery by serving written discovery, retaining experts, and working towards setting deposition dates. Therefore, the parties respectfully

1 submit that the reasons set forth above constitute compelling reasons for the discovery  
2 extension.

3 WHEREFORE, the parties respectfully request that this court extend the discovery  
4 dates as outlined in accordance with the table above.

5 IT IS SO STIPULATED this 8th day of January, 2021.

6 MARQUIS AURBACH COFFING

LAW OFFICES OF DALE K. GALIPO

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By: s/Eric Valenzuela

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11 ORDER

12 IT IS SO ORDERED

13 DATED: 3:55 pm, January 11, 2021

14 

15 BREND A WEKSLER

16 UNITED STATES MAGISTRATE JUDGE

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